

# CONGRESS and JAPAN

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Inside History of the Exclusion
Measure

The Fundamental Reasons Which Induced Action By Congress

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The Movement to Have That Action Reconsidered

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# Foreword

On May 26th, 1924, President Coolidge approved the immigration bill under protest, his protest being based on the inclusion in the bill of a general provision excluding aliens ineligible to citizenship. Relying doubtless upon assurances of Secretary of State Hughes, the President insisted that exclusion, so far as concerns Japanese, could be accomplished equally effectively and without injury to Japan's feelings by agreement, or treaty, or by giving Japan place in the quota. Congress almost unanimously, and without regard for party or district affiliations, held to the contrary.

Subsequently, in answer to Japan's protest, Secretary Hughes, in a dignified, courteous and statesmanlike document, advised Japan that Congress had acted entirely within its rights and without any intent to insult Japan or hurt her pride, and that the matter was ended.

President Coolidge, in accepting the Republican nomination for re-election August 14th, said: should have preferred to continue the policy of Japanese exclusion by some method less likely to offend the sensibilities of the Japanese people. I did what I could to minimize any harm that might arise. But the law has been passed and approved, and the incident is closed. seek by some means besides immigration to demonstrate the friendship and respect which we feel for the Japanese nation. Restricted immigration is not an offensive but a purely defensive action. is not adopted in criticism of others in the slightest degree, but solely for the purpose of protecting ourselves. We cast no aspersions on any race or creed, but we must remember that every object of our institutions of society and government will fail unless America be kept American."

The Federal Council of Churches of Christ of America, acting through its subsidiary organization, the Commission for International Goodwill, and with co-operation of various other associations, inaugurated a campaign to induce Congress to modify the exclusion feature of the Immigration Act so as to meet the demands of Japan. Assurances were given Japan by these organizations that President Coolidge and Secretary Hughes are opposed to the exclusion measure, that the sentiment of the American people disapproves it, and that effort will be made by Japan's friends in this country "to have the wrong right'ed."

The reaction upon Japan and the Japanese in response to the suggestions contained in this campaign and to direct messages sent is evident in action taken and statements given out, both official and unofficial in character. The Foreign Office in Tokyo gave out a statement on August 17, which was published in this country, in which it was said: "President Coolidge may regard this incident as closed, but Japan does not. Japan will continue her protests."

In the belief that a campaign of the character referred to would be fruitless in the result desired by the organizations which inaugurated it, but would increase friction and ill will between the two nations, and that the movement was started in ignorance of important facts, a brief statement of the case was presented for consideration of Japan and the Japanese in the following letter to the Editor of 'Nichi Bei', of San Francisco, the most widely distributed Japanese vernacular daily newspaper published outside of Japan:



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V. S. MCCLATCHY [SECRETARY]

"July 23, 1924.

"My dear Mr. Abiko;

GEO. R. HARRISON MASTER STATE GRANGE "This is a memorandue (made at your suggestion) of certain views offered by me in our conversa-

"You and I, with others of your race and of mine, are sincerely desirous that the traditional friendship between Japan and the United States shall be maintained and that the two nations shall perform for many years the joint duty of conserving peace on the Pacific.

"I regard as my true friend not he who encourages me to act in accordance with my preju-

dices and feelings, regardless of conditions and my permanent interests, but rather he who, even at the risk of injuring my pride and jeopardizing our friendly relations, acquaints me frankly with the facts and submits them to my judgment for decision. It is in the belief that you entertain similar views, and with appreciation of your position as a leader of Japanese thought in California, that I submit these suggestions for your consideration.

### The Unwise Counsel of Friends

"In the matter of Japanese immigration to this country Japan, in my judgment, has been induced within the past six months to place herself in a false and embarrassing position by listening to the unwise counsel of those in this country whom she regards as her friends.

"She was encouraged by these friends to request from Congress and this nation action which could not be taken without violation of the statutes and policies which have governed our conduct in such matters since the nation began. She is now being encouraged by the same parties to persist in this course with the assurance that the action taken by Congress is not endorsed by public sentiment, and that therefore repeal or modification of the exclusion measure can be readily secured.

"I do not question the good faith of these friends of Japan. I do question their discretion. They are either ignorant of, or blind to, the fundamental facts and principles in the case. For reasons explained hereafter, Congress had no alternative than to follow the course adopted, it will not undo what has been done, and, under existing conditions, the American people will not permit it to retrace the steps taken.

Congress, in this matter, acted in strict accord with the long established laws and policies of the nation, which have for their object the preservation of this country for the white race, as Japan is governed in her immigration and other policies by the obvious necessity for preservation of Japan for the Japanese. Until our laws and policies are changed at the demand of public opinion, Congress must continue to maintain its present attitude.

### Appreciation of Japan's Feelings

"I say this with full and sympathetic under-

standing of Japan's position. She feels that whatever may have been the justice of an exclusion policy directed against the people of Asia, including Japan, by the United States 100 or even 50 years ago, she has, through her own efforts and by study of Western methods risen to the position of dominant power in Asia and is recognized as one of the great World Powers, sitting in council on equal terms with United States, Great Britain, France and Italy. She feels, therefore, that her nationals are entitled to preferential treatment in the United States over those of other Asiatic nations, and to equal treatment with the nationals of Europe.

"I do not say there is not some justice in Japan's claim. I say only the claim cannot be recognized by the United States in the matter of naturalization and immigration until our fundamental policies in such matters have been changed; and that any efforts intended to secure modification of the existing conditions should be directed towards change in our fundamental policies rather than in urging Congress to violate such policies while still in force.

# Our Naturalization and Immigration Policies

"The privilege of naturalization was limited by Federal Statute in 1790 to persons of the white race. After the Civil War that privilege was extended by amendment to the black race in the effort to solve the problem created by slavery. Otherwise, the law has remained unchanged in fundamentals; and members of the yellow and brown races are barred from the privilege of naturalization today as they were 130 years ago. This statute, as applied to Japanese, was upheld by a recent decision of the United States Supreme Court.

"Our immigration policy has been in strict accord with the naturalization policy. Whenever the number of any branch of the yellow or brown races entering this country became large enough to justify concern, exclusion measures were adopted against it.

"The Chinese were excluded in 1882, by special act of Congress.

"The Japanese were excluded in 1907, under the Gentlemen's Agreement, and at Japan's request in preference to an exclusion law which would have hurt her pride. But, as explained by President Roosevelt in his autobiography and in existing documents, the Agreement was an exclusion measure designed to prevent further increase in Japanese population in continental United States, lest economic competition and racial friction should create trouble between the two friendly nations; and it was agreed that should the plan fail to accomplish its purpose, an Exclusion law should be enacted against Japan.

"The Hindus, and other Asiatics of the yellow and brown races, were excluded in 1917 by what is known as 'the Barred Zone Act.'

# The Gentlemen's Agreement Ineffective

"These measures have proved effective in excluding all immigration referred to except that from Japan. The Hindus have ceased to come; Chinese population in continental United States has decreased over one half since 1882; but the Japanese population increased between 1907 and 1920 from 53,000 to 110,000 if the United States Census figures are adopted and from 53,000 to 150,000 if the corrected figures for population for 1920 are used. (See my Brief prepared for consideration of the Department of State in 1921, Secs. 68 to 83). Since 1920 there has been material increase, the Japanese births alone in Hawaii and California amounting to 10,000 per year.

"Japan declares she has fulfilled the conditions of the Gentlemen's Agreement in good faith. It is not necessary to question her good faith in the matter. It is sufficient to point out that the Agreement in operation has failed to produce the desired and agreed results; that while its purpose was to prevent further entrance of Japanese for permanent settlement and any increase of the resident Japanese population, relatives and new wives continued to come with the resulting multiplication of population referred to.

### Not Discriminatory

"Congress determined, therefore, that the agreement should be cancelled and some effective method adopted for securing the agreed result—exclusion. Rather than give offense to Japan by enacting a special exclusion law against Japanese (which

was the agreed alternative if the Agreement failed in operation) Congress simply enacted into a general statute, without mention of Japan or the Japanese, the long established policy of the United States in discouraging immigration of aliens ineligible to citizenship.

"Japan should not regard this action as discriminatory against her people, since they constitute less than 8 per cent of the peoples affected; and she has no right to object to the principle of exclusion, since she agreed to it in making the Gentlemen's Agreement in 1907, and since, in the interest of the Japanese, she has found it necessary to exclude Chinese and Koreans from Japan.

"Certainly, this nation, having determined to restrict immigration in the interests of assimilation, has done the obvious and logical thing in excluding incidentally aliens wno are ineligible to citizenship and who are and must remain hopelessly unassimilable because of that disability imposed by our laws.

"Japan at the instance of presumed friends in official and unofficial circles in this country, has protested against this action and insisted that the result desired could be secured equally well and with less hurt to her pride through a new Gentlemen's Agreement, or through modification of the existing Agreement, or through a treaty, or by placing Japan under the quota.

# Agreement, Treaty and Quota

"The friends who gave Japan this advice were either ignorant of the fundamental facts and principles in the matter or deliberately ignored them ; for Congress, with full knowledge of these matters before it, could not and would not pursue any course other than that adopted. All other plans suggested are open to insurmountable objections unless an established policy of the nation as to naturalization and immigration undergoes radical change. This, it is hoped, will be made plain by the following statement:

"Immigration is a domestic question, the regulation of which, under the Constitution, belongs to Congress exclusively.

"All immigration coming to this country during this century save that coming from Japan, has been regulated by general or special act of Congress. "Any attempt by the Executive Department to regulate immigration by agreement, or treaty, is an invasion of the Congressional prerogative; and Congress apparently will no longer tolerate such invasion, particularly when the obvious intent is to violate or evade the established policy of the nation.

"The Gentlemen's Agreement not only constituted an invasion of Congressional prerogative by the Executive, but it surrendered the national sovereignty in conceding to a foreign nation control of immigration from that nation. Such a relinquishment of sovereign right is made by no other world power, certainly not by Japan; and the United States has made such concession to no nation save Japan. These were sufficient reasons in the judgment of Congress for cancellation of the Gentlemen's Agreement, and for refusal to consider a similar agreement in the future.

"To place Japan under the quota can not be done without violating the established policy of the nation, since such plan would give to certain aliens ineligible to citizenship, and excluded therefore as immigrants, the same rights in admission as are granted to aliens eligible to citizenship, and further would discriminate in favor of one nation whose people are ineligible to American citizenship while still barring all others ineligible to that privilege.

"The quota plan had the additional practical objection that if the immigration act were so modified in the future as to admit wives outside the quota it would make possible the entrance of a flood of Japanese women coming as wives for the 40,000 or 50,000 Japanese bachelors in continental United States, with a consequent material increase of the Japanese population.

### The Position of Congress

Congress, through a committee consisting of the Chairman of the Immigration Committee and the Republican and the Democratic leader of each house, explained these facts to the President and assured him, if he vetoed the bill it would be passed over his veto by an overwhelming majority, in pursuance of what Congress conceived to be its plain duty. It must be remembered, too, that the action of Congress in the matter was due only in small part to resentment at the tone of the letter written by Ambassador Hanihari, for a poll of the Senate two days before that letter appeared showed 54 votes (a substantial majority) in the Senate pledged to the exclusion of aliens ineligible to citizenship, while in the House a much larger majority in favor thereof had been conceded for some weeks.

"What is true as to the facts and as to the attitude of Congress in late May when the President signed the bill, is equally true today. And public sentiment, which generally endorsed the principle of exclusion then, is becoming more pronounced now in its approval of the course taken by Congress as the detailed reasons therefor become known.

"I submit, therefore, with deference, that it ill comports with Japan's dignity to further press upon Congress or this nation requests or demands which cannot be conceded in the face of existing conditions. It is not the new Immigration Law, but our long established naturalization law and the immigration policy which follows it that blocks the way to Japan's desires. If our naturalization law were so amended as to make Japanese eligible to citizenship that provision of the Immigration Bill which excludes aliens ineligible to citzenship would cease immediately to act as a bar to the entrance of Japanese immigrants.

### Investigation Suggested

"It is as a true friend of Japan, and as one who desires to see a permanent continuance of friendly relations between Japan and the United States, that I suggest a dispassionate consideration of the suggestions of this letter and an investigation of the conditions as herein outlined. You will not think me presumptuous in expressing the belief that such a course will furnish more dependable basis for just and effective action than implicit reliance upon the assurances and advice of those who, however friendly to Japan, do not know, or else choose to ignore, the existing conditions.

"It is unfortunate, too, that lack of knowledge of these conditions and of the reasons which induced the action by Congress, and a belief that it was inspired by dislike for, or intent to injure or insult Japan, or the Japanese, are creating a feeling of animosity on the part of the Japanese people here and in Japan, which, if not eradicated, may materially interfere with friendly relations in the future. It is important that misunderstanding of this character be corrected by authorized statement from responsible sources.

"You will have noticed that on this side of the Pacific every effort has been made to prevent growth of misunderstanding or ill will; and that the four California organizations most prominent in the campaign for passage of the exclusion feature of the Immigration Act have been equally insistent on just and courteous treatment of, and friendly relations with, the Japanese who have settled in this country practically at the invitation of this Government.

"With appreciation of your friendship and of the efficient work which you have done for your own people in California and for the State as well, in fostering friendly relations, believe me,

"Sincerely yours,

"V. S. McCLATCHY."

MR. K. ABIKO, Editor "Nichi Bei," San Francisco, Cal.

